

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA
Newport News Division

TOWANDA R. FUTRELL

Plaintiff,

v.

Civil Action No.: 4:23-cv-00118

DANIEL L. CRAMER

and

AV LEASING, LLC

Defendants and Third-Party Plaintiff,

v.

ANTONIO WIGGINS

and

FUTRELLS PARTY ADVENTURES, LLC,

Third-Party Defendants.

PLAINTIFF'S FRCP RULE 26 (A) (2) (B) EXPERT WITNESS DISCLOSURE

Comes now Plaintiff, Towanda Futrell, by her attorney, Christopher M. FitzPatrick from Morgan and Morgan DC, PLLC and hereby serves Plaintiff's Expert Witness Disclosure and states as follows:

**1. Dr. James Gilbert (Expert Orthopedic Surgeon)
7811 Montrose Road
Suite 340
Potomac, Maryland 20854**

At the time of trial, Plaintiff intends to call Dr. James Gilbert as an expert in orthopedic surgery. Dr. Gilbert is expected testify that Plaintiff's injuries to her broken right ankle, sprained left ankle, broken eye socket and broken left jaw. Plaintiff's ankle required an open reduction and

internal fixation (ORIF) for the medial malleolus ankle fracture using two screws and a syndesmosis screw which would be removed at a later date on December 17, 2022, at Riverside Regional Medical Center in Newport News Virginia. The Plaintiff underwent subsequent extensive physical medicine and rehabilitation at Riverside Orthopedics and Sports Medicine and Physical Therapy which was conducted at Ivy Rehabilitation Center in Norfolk, Virginia. Dr. Gilbert is expected to testify that Plaintiff's injuries, medical treatment and medical bills were incurred as a result of the truck/bus collision that occurred that were a proximate cause of Defendant's negligence. Dr. Gilbert is further expected to testify as to all Plaintiff's medical treatment and hospitalization was a proximate cause of defendant's negligence. Dr. Gilbert is expected to testify as Plaintiff's past and future pain and suffering, past and future medical expenses and medical costs and life care medical costs, and economic or non-economic related damages that Plaintiff has incurred are also a proximate cause of defendant's negligence. Dr. Gilbert will testify that the Plaintiff will need future surgery as all non-operative treatments have been exhausted. Dr. Gilbert will testify that the proposed surgical treatment will include an arthroscopy, cartilage debridement with chondroplasty, removal of the arthritic spur, and stabilization of the ankle using the Bostrom Procedure with a possible graft or an internal brace. Attached hereto are Dr. Gilbert's expert report, rates to testify, and Dr. Gilbert's CV. (**Exhibits A-C**)

2. Paul V. Herbert
493 Main Street
Quincy, California 95971-9613

At the time of trial, Plaintiff will call Paul Herbert as an expert in Motor Vehicle Safety and compliance. Mr. Herbert is expected to testify that defendants Daniel Cramer and his employer Triton Logistics Inc. were negligent and violated commercial trucking safety standards by permitting Mr. Cramer to operate his vehicle for longer hours than safety standards in the commercial trucking Industry permit. Mr. Herbert is also expected to testify that Defendant Paul Cramer was negligent, grossly negligent and reckless in the operation of his vehicle that proximately caused the fatal crash that killed 3 innocent individuals and proximately caused Plaintiff's injuries. Mr. Herbert will testify that it is clear that multiple breaches of duty occurred, contributing to this collision. Mr. Cramer's failure to adhere to driving hours and potential fatigue, coupled with inadequate oversight by AV Leasing and Triton Logistics, demonstrates a lack of adherence to industry standards and FMCSRs. The collision involving Daniel Cramer's Freightliner truck and the party bus driven by Antonio L. Wiggins was a catastrophic event resulting in significant loss of life and numerous injuries. Key factors contributing to this tragic accident include the failure to adhere to driving hour regulations, inadequate management of driver fatigue, and insufficient oversight by the responsible companies. Attached hereto are Mr. Herbert's expert report, and Mr. Herbert's CV/Fee Schedule (**Exhibits D-E**).

3. Dr. David Matthew Romano (Hybrid treating/expert orthopedic trauma surgeon)
1220 Warwick Blvd Suite 310
Newport News, Virginia 23601

At the time of trial, Plaintiff intends to call Dr. David M. Romano as an expert in orthopedic trauma surgery. Dr. Romano is expected to testify to the Plaintiff's injuries to her broken right ankle, sprained left ankle, broken eye socket and broken left jaw. Dr. Romano is

expected to testify that Plaintiff's right ankle required extensive surgery on December 17, 2022, and March 24, 2023, at Riverside Regional Medical Center in Newport News, Virginia. Dr. Romano will also testify that the Plaintiff required extensive physical medicine and rehabilitation at Riverside Orthopedics and Sports Medicine and Physical Therapy at Ivy Rehabilitation Center in Norfolk, Virginia. Dr. Romano is expected to testify that Plaintiff's injuries, medical treatment, and medical bills were incurred as a result of the truck/bus collision that occurred and were a proximate cause of Defendant's negligence. Dr. Romano is further expected to testify as to that all Plaintiff's medical treatment and hospitalization was a proximate cause of defendant Daniel Cramer's negligence that occurred on December 16, 2022. Dr. Romano is also expected to testify as Plaintiff's past and future pain and suffering, past and future medical expenses and future medical costs, and economic or non-economic related damages that Plaintiff has incurred are also a proximate cause of defendant Daniel Cramer's negligence. Attached hereto is Dr. Romano's CV (**Exhibit F**). Attached are hospital records that contain Dr. Romano's reports (**Exhibit G**)

4. Dr. Jeffrey Aaron Levy (Hybrid Treating Expert Orthopedic Surgeon)
12200 Warwick Blvd Suite #310
Newport News, Virginia 23601

At the time of trial, Plaintiff intends to call Dr. Jeffrey A. Levy as an expert in orthopedic trauma surgery. Dr. Levy is expected testify to the Plaintiff's injuries to her broken right ankle, sprained left ankle, broken eye socket and broken left jaw. Dr. Levy will testify that Plaintiff's right ankle required extensive surgery on December 17, 2022, at Riverside Regional Medical Center in Newport News, Virginia and extensive physical medicine and rehabilitation at Riverside Orthopedics and Sports Medicine and Physical Therapy at Ivy Rehabilitation Center in Norfolk, Virginia. Dr. Levy is expected to testify

that Plaintiff's injuries, medical treatment and medical bills were incurred as a result of the truck/bus collision that occurred which were a proximate cause of Defendant's negligence. Dr. Levy is further expected to testify as to all Plaintiff's medical treatment and hospitalizations which were a proximate cause of defendant Daniel Cramer's negligence that occurred on December 16, 2022. Dr. Levy is also expected to testify as Plaintiff's past and future pain and suffering, past and future medical expenses and future medical costs, and economic or non-economic related damages that Plaintiff has incurred are also a proximate cause of defendant Daniel Cramer's negligence. Attached hereto is Dr. Levy's CV (**Exhibit H**). Attached are hospital records that contain Dr. Levy's reports (**Exhibit G**).

5. Vincent J. Verdi (Hybrid treating/expert ophthalmologist)

**3921 Granby Street
Norfolk, Virginia 23504**

At the time of trial Dr. Verdi will testify to the Plaintiff's broken left eye socket and severe injuries and damage to her left eye and eye socket which was a proximate cause of the negligence of the Defendant Daniel Cramer that occurred on December 16, 2022. Dr. Verdi is expected that Plaintiff's injuries, medical treatment and medical bills were incurred as a result of the truck/bus collision that occurred were a proximate cause of Defendant's negligence. Dr. Verdi is further expected to testify as to all Plaintiff's medical treatment and hospitalizations were a proximate cause of defendant Daniel Cramer's negligence that occurred on December 16, 2022. Dr. Verdi is also expected to testify as Plaintiff's past and future pain and suffering, past and future medical expenses and future medical costs, and economic or non-economic related damages that Plaintiff has incurred are also a proximate cause of defendant Daniel Cramer's negligence. Attached hereto is Dr. Verdi's CV (**Exhibit H**). Attached are hospital

records that contain Dr. Verdi's reports (**Exhibit I**).

6. Patrick Drudy (Hybrid Treating/ Expert Physical Therapist)
3509 Granby Street Suite B1
Norfolk, Virginia 23504

At the time of trial, Plaintiff intends to call Dr. Patrick Drudy as a treating and expert in Physical Therapy. Mr. Drudy is expected testify to the Plaintiff's injuries to her broken right ankle, sprained left ankle, broken eye socket and broken left jaw. Mr. Drudy will testify that Plaintiff's right ankle that required extensive surgery on December 17, 2022, and March 24, 2023, at Riverside Regional Medical Center in Newport News, Virginia required also extensive physical therapy at Ivy Rehabilitation Center in Norfolk, Virginia. Mr. Drudy is expected to testify that Plaintiff's extensive physical therapy that occurred for over a year was necessary as a result of the extensive injury and fracture to her right ankle. Drudy's CV is to be supplemented at a later date. Attached are Ivy Therapy records (**Exhibit J**)

7. Dallas Alexander Lea, II, M.D. (Expert)
Lea Medical Partners, LLC
1400 Spring Street, Suite 400
Silver Spring, Maryland 20910

At the time of trial, Plaintiff intends to call Dr. Dallas A. Lea as an expert in orthopedic surgery. Dr. Lea is expected testify to the Plaintiff's injuries to her broken right ankle, sprained left ankle, broken eye socket and broken left jaw. Dr. Lea is also expected to testify to the Plaintiff's right ankle that required extensive surgery on December 17, 2022, and March 24, 2023, at Riverside Regional Medical Center in Newport News, Virginia. Dr. Lea will also testify to the extensive physical medicine and rehabilitation at Riverside Orthopedics and Sports Medicine and Physical Therapy at Ivy Rehabilitation Center in Norfolk, Virginia. Dr. Lea is

expected to testify that Plaintiff's injuries, medical treatment, and medical bills were incurred as a result of the truck/bus collision that occurred that were a proximate cause of Defendant Daniel Cramer's negligence. Dr. Lea is further expected to testify as to all Plaintiff's medical treatment and hospitalization was proximate cause of defendant Daniel Cramer's negligence that occurred on December 16, 2022. Dr. Lea is also expected to testify as Plaintiff's past and future pain and suffering, past and future medical expenses and medical costs and life care medical costs, and economic or non-economic related damages that Plaintiff has incurred are also a proximate cause of defendant Daniel Cramer's negligence. Attached hereto are Dr. Lea's CV and fee schedule (**Exhibits K-L**). Dr. Lea's report will be supplemented at request of the Court's permission.

Plaintiff reserves the right to amend and/or supplement Federal FRC P 26 (A) 2(B)
Disclosure

Respectfully submitted,

/s Christopher M. FitzPatrick

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Counsel for the Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May 2024, a copy of the forgoing *PLAINTIFF'S FRCP RULE 26 (A) (2) EXPERT WITNESS DISCLOSURE* was filed on ECF/Pacer and sent Electronic Mail to:

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